

Ortiz v. MeadWestvaco Corporation, et al v. JV Industrial Companies, Ltd., et al

Year: 2019

Court: Supreme Court of Louisiana

Case Number: 2019-C-01123

In its brief, UP argues that an insurance company must establish that the events leading to the outcome of an underlying case actually prejudiced the insurance company in a manner that would not have happened had the insurance company received timely notice of the claim. UP argues that: 1. Louisiana law requires proof of actual prejudice to avoid policyholder forfeiture and insurance company windfall; 2. The modern view of insurance requires proof of prejudice before insurers may avoid coverage on the grounds of late notice; 3. Legal and insurance coverage authorities across jurisdictions agree that this modern view requires that insurance companies prove actual prejudice, not theoretical prejudice; and 4. Louisiana law strongly disfavors forfeiture of insurance coverage.

This brief was drafted pro bono by G. Andrew Veazey of Veazey Felder & Renegar, LLC